

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Randall W. Davis**

Application No.: 10/814,810

Group No.: 1634

Filed: 03/31/2004

Examiner: Robert Thomas Crow

Confirmation No.: 5294

For: **IMPROVED APPARATUS AND METHODS FOR ISOLATING BIOREACTIVE  
MATERIALS ON A MICROARRAY SUBSTRATE SURFACE**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO OFFICE ACTION**

This paper is being filed in response to the Official Action mailed 05/12/2006. Reconsideration and reexamination are respectfully requested in light of the remarks below.

**RESPONSE TO ELECTION/RESTRICTIONS**

In response to the Office Action mailed 05/12/2006, Applicant respectfully traverses the Restriction Requirement, in so far as it delineates between inventions I and II.

The Office Action states that the inventions I and II are related as product and process of use. It is respectfully submitted, however, that claims for invention II recite the common technical features of invention I, namely: a) a substrate/array surface; b) a bead solution; c) containment of the bead solution; and d) means for bead movement on the

substrate. It is respectfully submitted that there would be no substantial burden on the Examiner to consider the claims of inventions I and II in the same application.

Accordingly, it is respectfully submitted that since the subject matter of inventions I and II should be examined in the same application, the Restriction Requirement is traversed to the extent that it delineates between these two groups. In order that this response be considered complete, Applicant provisionally elects the subject matter of inventions I, which encompasses claims 1 - 15, with traverse. For the reasons presented above, it is respectfully submitted that claims 16 and 17 should be examined with these elected claims.

#### **REMARKS**

In view of the foregoing the Applicant respectfully requests that the requirement be withdrawn upon reconsideration.

Dated: May 25, 2006.

Respectfully submitted,  
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/Charles L. Thoeming/  
Charles L. Thoeming, Registered  
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May 25, 2006  
Date of Signature

cc: Client